

ALEJANDRO MICHEL #T-86169
CSP-SACRAMENTO-B5-219
POST OFFICE BOX 290066
REPRESA, CALIFORNIA 95671

IN PROPRIA PERSONA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ALEJANDRO MICHEL

CASE# C08-1724 JSW

PETITIONER,

OPPOSITION TO RESPONDENTS
MOTION TO DISMISS

Vs.

J.S MAGISTRATE JUDGE
JSW

J. WALKER, WARDEN, et al.

RESPONDENT,

TO; RESPONDENT JAMES WALKER, ATTORNEY EDMUND G. BROWN JR.,
ATTORNEY OF RECORD;

Petitioner ALEJANDRO MICHEL, acting in propria persona
to the above entitled action, hereby file this opposition
pursuant to this District Court's Order dated JULY 15 2008,
and hereby admit and deny each factual allegation of the motion
to dismiss, and allege as follows;

I.

Petitioner admit he is currently in custody pursuant to
a plea entered in Marin County Superior Court, case No. 123016,
but his sentence is illegal, and in violation of petitioner's

1 constitutional rights under the Sixth and Fourteenth Amendments.
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3 **II.**

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5 or proper, that the sentence underlying petitioner's confinement
6 is illegal whereas petitioner never admitted to factors use to
7 impose the upper term, and that petitioner's rights have been
8 and are still being violated in may ways. Therefore, petitioner
9 submit that respondents Motion to Dismiss petitioner's Petition
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5 DATED: 8/8/08
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DATED: AUGUST 8,2008

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Respectfully submitted,


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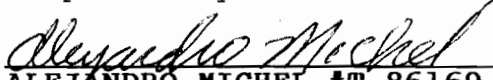
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PROOF OF SERVICE

(C.C.P. §2015.5; 28 U.S.C. §1745)

I, Alejandro Michel, am over the age of eighteen (18) years,
and I (am) (am not) a party to the within cause of action. My address is:

CSP-Sacramento (BS-219)

P.O. Box 290066

Represa, Ca. 95671

On, August 8, 2008, I served the following
documents:

Opposition To Respondents' Motion To Dismiss

_____ on the
below named individuals by depositing true and correct copies thereof in the United
State mail in Represa, California, with postage fully prepaid thereon, addressed as
follows:

1. U.S. District Court
Northern District of Calif.
U.S. Courthouse
450 Golden Gate Avenue
San Francisco, Ca. 94102-3483

2. Attorney General
455 Golden Gate Avenue
Suite 11000
San Francisco, Ca. 94102-1362

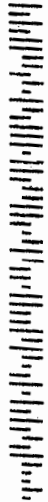
I have read the above statements and declare under the penalty of perjury of
the laws of the State of California that the foregoing is true and correct.

Executed this 8th day of August, 2008, at California
State Prison at Sacramento, Represa, California.

(Signature) Alejandro Michel
Declarant



Alejandro Y
CSP-Sacram
P.O. Box 290060
Repreza, Ca. 95671



TO: United States District Court
Northern District of California
US Courthouse
450 Golden Gate Avenue
San Francisco, Ca. 94102-3483

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